

ORDINANCE NO. 242

AN ORDINANCE OF THE CITY OF MALIBU ADOPTING BY REFERENCE TITLE 26 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA BUILDING CODE, 2001 EDITION; TITLE 27 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA ELECTRICAL CODE, 2001 EDITION; TITLE 28 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA PLUMBING CODE, 2001 EDITION; TITLE 29 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA MECHANICAL CODE, 2001 EDITION; AND TITLE 32 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA FIRE CODE, 2001 EDITION; MAKING AMENDMENTS TO SAID CODES AND DECLARING THE URGENCY THEREOF.

THE CITY COUNCIL OF THE CITY OF MALIBU DOES ORDAIN AS FOLLOWS:

Section 1. Section 15.04.010 of the City of Malibu Municipal Code is hereby amended to read as follows:

15.04.010 Adoption of Building Code.

Except as hereinafter provided, Title 26, Building Code, of the Los Angeles County Code, as amended and in effect on November 01, 2002, adopting the California Building Code, 2001 Edition (Part 2 of Title 24 of the California Code of Regulations), including Subsections 101.17 through 101.17.16 of Chapter 1; Chapters 2 through 35; and Appendix Chapters 3, Division II; 4, Division II; 9; 12; 15; 16; and 31; is hereby incorporated herein by reference as if fully set forth below, and shall be known and may be cited as the Building Code of the City of Malibu.

The provisions of the Building Code applying to dwellings, lodging houses, congregate residences, hotels, motels, apartment houses, convents, monasteries or other uses classified by the building code as a group occupancy and including Chapters 1, 2, 3, 4 and 98 and 99 shall constitute and may be cited as the Housing Code of the City of Malibu.

In the event of any conflict between provisions of the California Building Code, 2001 Edition, Title 26 of the Los Angeles County Code, or any amendment to the Building Code contained in the Malibu Municipal Code, the provision contained in the later listed document shall control.

A copy of Title 26 of the Los Angeles County Code and the California Building Code, 2001 Edition, have been deposited in the office of the City Clerk of the City of Malibu and shall be at all times maintained by the City Clerk for use and examination by the public.

Section 2. Section 15.04.040 is hereby amended Malibu Municipal Code to read as follows:

15.04.040 Violation - Penalty

Every person violating any provision of Title 26 Los Angeles Building Code and appendices, adopted by reference by Section 15.04.010, or of any permit or license granted thereunder, or any rules or regulations promulgated pursuant thereto, is guilty of a misdemeanor. Upon conviction thereof he or she shall be punishable by a fine not to exceed one thousand dollars or imprisonment not to exceed six months, or by both such fine and imprisonment. The imposition of such penalty for any violation shall not excuse the violation or permit it to continue. Each day that a violation occurs shall constitute a separate offense.

Section 3. Section 15.04.050 is hereby added to the City of Malibu Municipal code to read as follows:

15.04.050 Amendments to Building Code

Notwithstanding the provisions of Section 15.04.010 of this Chapter, Title 26 Los Angeles County Building Code is amended to read as follows:

Section 103.5 is hereby amended to read as follows:

103.5 Costs.

Any person that violates any provision of this code shall be responsible for the costs of any and all Code enforcement actions taken by the building official in response to such violations. These costs shall be based on the amounts specified in Table 1-F.

All other fees are as established by the current City of Malibu fee schedule. Where no fee is established by the City of Malibu fee schedule, the Los Angeles County Code fee schedule shall apply.

Section 105.1.1 is amended to read as follows:

105.1.1 General.

Unless otherwise provided for below, in order to conduct the hearings provided for in this code and also to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of the provisions of this code, there shall be a building board of appeals consisting of five members who are qualified by experience and training to pass upon matters pertaining to building construction. The building official shall be an *ex officio*-member and shall act as secretary to the board. The

members of the building board of appeals shall be appointed by the Board of Supervisors and shall hold office at its pleasure. The building board of appeals shall adopt reasonable rules and regulations for conducting its investigations. The board shall establish that the approval for alternate materials and the modifications granted for individual cases are in conformity with the intent and purpose of this code and that such alternate material, modification or method of work offered is at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability, safety and sanitation and does not lessen any fire-protection requirements or any degree of structural integrity. The building board of appeals shall document all decisions and findings in writing to the building official with a duplicate copy to the applicant, and the board may recommend to the Board of Supervisors such new legislation as is consistent therewith.

Section 105.3 is hereby deleted in its entirety.

Section 105.4 is hereby amended to read as follows:

105.4 Code Enforcement Appeals Board.

In order to conduct the hearings provided for in Government Code Section 54988, there shall be a code enforcement appeals board. The code enforcement appeals board shall be comprised of the same five members and alternates as the building board of appeals. The building official shall be an ex officio nonvoting member and act as secretary.

Section 105.6 is hereby deleted in its entirety.

Section 106.1.1 is hereby added to read as follows

106.1.1 Parking Lots

A plan review and permit shall be required for the surfacing, resurfacing, replacement, reconfiguration and striping of parking lots and parking structures serving commercial and multifamily occupancies.

Any of the aforementioned activities in or on existing parking lots must comply with current zoning. National Pollution Discharge Elimination Systems (N.P.D.E.S.) and accessibility requirements as required by applicable codes and standards.

Fees determined by the current fee schedule.

Section 106.3 is hereby amended to read as follows:

106.3 Work Exempted.

A building permit shall not be required for the following:

1. One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the projected roof area does not exceed 120 square feet.
2. Fences and walls not over 6 feet (1829 mm) in height.
3. Steel tanks supported on a foundation not more than two feet (610 mm) above grade when the height does not exceed 1 1/2 times the diameter.
4. Gantry cranes and similar equipment.
5. Retaining walls that retain not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding a Class I, II, or III-A liquids.
6. Bridges not involving buildings.
7. Motion picture, television and theater stage sets and scenery, except when used as a building.
8. Radio and television antennae towers which do not exceed 45 feet (13 716 mm) in height and ground support dish antennas not exceeding 15 feet (4572 mm) in height above finished grade in any position.
9. Light standards which do not exceed 30 feet (9144 mm) in height.
10. Flagpoles not erected upon a building and not more than 15 feet (4572 mm) high.
11. A tree house provided that:
 - 11.1. It does not exceed 64 square feet (5.94 m²) in area nor 8 feet (2438 mm) in height from floor to roof.
 - 11.2. The ceiling height as established by door height or plate line does not exceed 6 feet (1829mm).
12. Canopies or awnings attached to a Group R or M Occupancy and extending not more than 54 inches (1372 mm) from the exterior wall of the building.
13. Sheds, office or storage buildings, and other structures incidental to and work authorized by a valid grading or building permit. Such structures must be removed upon expiration of the permit or completion of the work covered by the permit.
14. Oil derricks.
15. Platforms, walks and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below.
16. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed 5,000 gallons (18 927 L).

17. Playground equipment.

Unless otherwise exempted, separate plumbing, electrical and mechanical permits will be required for the above-exempted items.

Exemption from the permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of other laws or ordinances.

Section 106.4.1.1 is hereby amended to read as follows:

106.4.1.1 Expiration of Application (Plan Check).

Applications for building, grading, landscape and relocation building permits for which no permit is issued within one year following the date of application shall expire by limitation. Plans and specifications previously submitted may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days beyond the initial one year limit upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken and upon the payment of an extension fee per current City of Malibu fee schedule. No permit application shall be extended more than once.

Once an application and any extension thereof have expired, the applicant shall resubmit plans and specifications and pay a new plan checking or review of fee.

Section 107.9 is hereby deleted in its entirety.

Section 107.13 is hereby amended to read as follows:

Section 107.13 Investigation Fee for Work without Permit.

The payment of the investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

Section 108.1.1.2 is hereby added to read as follows

Section 108.1.1.2 Occupancy Inspection

All existing commercial occupancies are required to apply for an occupancy inspection prior to occupancy of a building or tenant space by a new owner or occupant.

Upon successful completion of the occupancy inspection the Building Official shall issue a new certificate of occupancy to the building or tenant space as required in Section 109 of the California Building Code.

The certificate of occupancy issued will remain valid and in effect until a change of occupant occurs or is revoked for cause by the Administrative Authority or as required by this code.

Fees determined by the current fee schedule.

Section 108.4.2 is hereby amended to read as follows:

Section 108.4.2 Foundation inspection.

Inspection shall be made after excavations for footings is complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. All materials for the foundation shall be on the job site; however, where concrete is ready mixed in accordance with approved nationally recognized standards, the concrete need not be on the job site. Where the foundation is to be constructed of approved treated wood, additional inspections may be required by the building official. Required set back and pad elevations shall be established by survey prior to approval by the Administrative Authority.

Section 108.4.6 is hereby amended to read as follows:

Section 108.4.6 Final inspection.

Inspection shall be made after finish grading is approved and the building is completed and ready for occupancy and all other required agency approvals have been obtained.

Section 111 is amended to read as follows:

Section 111 Engineering Geology and Soils Engineering Reports

The building official may require an engineering geology or soils engineering report, or both, where in the building official's opinion, such reports are essential for the evaluation of the safety of the site. The engineering geology or soils engineering report or both shall be prepared in accordance with the City's "Guidelines for the Preparation of Engineering Geologic and Geotechnical Engineering Reports" (February 2002) and shall contain a finding regarding the safety of the building site for the proposed structure against hazard from landslide, settlement or slippage and a finding regarding the effect that the proposed building or grading construction will have on the geotechnical stability of property outside of the building site. Any engineering geology report shall be prepared by a certified engineering geologist licensed by the State of California. Any soils engineering report shall

be prepared by a civil engineer registered in the State of California, experienced in the field of soil mechanics, such as a soils engineer. When both an engineering geology and soils engineering report are required for the evaluation of the safety of a building site, the two reports shall be coordinated before submission to the Administrative Authority.

Section 1702 is hereby amended to read as follows:

Section 1702 Structural Observation

Structural observation shall be provided in Seismic Zone 3 or 4 when one of the following conditions exists:

1. The structure is defined in Table 16-K as Occupancy Category 1, 2 or 3,
2. The structure is required to comply with Section 403,
3. The structure is in Seismic Zone 4, *Na* as set forth in Table 16-S is greater than one, and a lateral design is required for the entire structure,
EXCEPTION: One and two-story Group R Division 3 and Group U occupancies
4. When so designated by the architect or engineer of record, or
5. When such observation is specifically required by the Administrative Authority.

Section 2320.5.1 is hereby amended to read as follows:

Section 2320.5.1.1 Braced wall lines.

Buildings shall be provided with exterior and interior braced wall lines. Spacing shall not exceed 25 feet (7620 mm) on center in both the longitudinal and transverse directions in each story.

EXCEPTION; In one and two-story Group R, Division 3 buildings, interior braced wall line spacing may be increased to not more than 34 feet (10363 mm) on center in order to accommodate one single room per dwelling unit not exceeding 900 square feet (83.61 square meters). The building official may require additional braced walls to contain braced panels when this exception is used.

Section 3310.1 of Appendix Chapter 33 is hereby deleted in its entirety.

Section 3310.2 of Appendix Chapter 33 is hereby deleted in its entirety.

Section 3. Section 15.08.010 of the City of Malibu Municipal Code is hereby amended to read as follows:

15.08.010 Adoption of Electrical Code.

Except as hereinafter provided, Title 27, Electrical Code, of the Los Angeles County Code, as amended and in effect on November 01, 2002, adopting the California Electrical Code, 2001 Edition (Part 3 of Title 24 of the California Code of Regulations) is hereby incorporated herein by reference as if fully set forth below, and shall be known and may be cited as the Building Code of the City of Malibu.

In the event of any conflict between provisions of the California Electrical Code, 2001 Edition, Title 27 of the Los Angeles County Code, or any amendment to the Building Code contained in the Malibu Municipal Code, the provision contained in the later listed document shall control.

A copy of Title 27 of the Los Angeles County Code and the California Electrical Code, 2001 Edition, have been deposited in the office of the City Clerk of the City of Malibu and shall be at all times maintained by the City Clerk for use and examination by the public.

Section 4. Section 15.08.030 of the Malibu Municipal Code is amended to read as follows:

15.08.30 Violation-Penalty.

Every person violating any provision of the Title 26 Los Angeles County Electrical Code and appendices, adopted by reference by Section 15.08.010, or of any permit or license granted thereunder, or any rules or regulations promulgated pursuant thereto, is guilty of a misdemeanor. Upon conviction thereof he or she shall be punishable by a fine not to exceed one thousand dollars or imprisonment not to exceed six months, or by both such fine and imprisonment. The imposition of such penalty for any violation shall not excuse the violation or permit it to continue. Each day that a violation occurs shall constitute a separate offense.

Section 5. Section 15.12 010(Plumbing Code) of Title 15 (Building and Construction) the City of the Malibu Municipal Code is hereby amended to read as follows:

15.12.010 Adoption of Plumbing Code.

Except as hereinafter provided, Title 28, Plumbing Code, of the Los Angeles County Code, as amended and in effect on November 01, 2002, adopting the California Plumbing Code, 2001 Edition (Part 5 of Title 24 of the California Code of Regulations), is hereby incorporated herein by reference as if fully set forth below, and shall be known and may be cited as the Plumbing Code of the City of Malibu.

In the event of any conflict between provisions of the California Plumbing Code, 2001 Edition, Title 28 of the Los Angeles County Code, or any amendment to the

Building Code contained in the Malibu Municipal Code, the provision contained in the later listed document shall control.

A copy of Title 28 of the Los Angeles County Code and the California Plumbing Code, 2001 Edition, have been deposited in the office of the City Clerk of the City of Malibu and shall be at all times maintained by the City Clerk for use and examination by the public.

Section 6. Section 15.12.030 of the City Malibu Municipal Code is amended to read as follows:

15.12.030 Violation –Penalty.

Every person violating any provision of the Title 28 Los Angeles County Plumbing Code and appendices, adopted by reference by Section 15.12.010, or of any permit or license granted thereunder, or any rules or regulations promulgated pursuant thereto, is guilty of a misdemeanor. Upon conviction thereof he or she shall be punishable by a fine not to exceed one thousand dollars or imprisonment not to exceed six months, or by both such fine and imprisonment. The imposition of such penalty for any violation shall not excuse the violation or permit it to continue. Each day that a violation occurs shall constitute a separate offense.

Section 7. Section 15.12.050 of the Malibu Municipal Code is hereby amended to read as follows:

15.12.050 Amendment to Plumbing Code

Notwithstanding the provisions of Section 15.12.010 of this chapter, the Title 28 Los Angeles County Plumbing Code is amended to read as follows:

Section 103.5.2.1 is hereby added to read as follows:

Section 103.5.2.1 Operating Permits.

As of January 1, 2003 all applicants applying for new construction and residential additions, served by an onsite wastewater treatment system, shall be required to apply for and be issued an Operating Permit in addition to any permits required for the installation of an onsite wastewater treatment system. Operating Permits shall be required in addition to any permits required for the replacement or renovation of existing onsite wastewater treatment systems.

The Operating Permit shall be issued to the owner of the property. In the event of the sale of the property a new Operating Permit shall be applied for by the new owner within 30 days of the finalization of the sale of the property.

Homeowners associations will be considered the owner of the property for

condominiums and townhouses for the purpose of enforcement of this code.

Existing commercial and multifamily occupancies shall apply for an Operating Permit through the Malibu Building Safety Department prior to January 1, 2004 or as required by the Administrative Authority due to the proximity of the system to surface waters, history of failure, inadequate groundwater separation, inadequate soil conditions, hazardous geologic conditions or other conditions that may cause the system to negatively impact the health and safety of the community or the environment.

All on site wastewater treatment systems serving commercial and multifamily occupancies are subject to specific or general wastewater discharge requirements/ permits as established and issued by the Los Angeles Regional Water Quality Control Board.

The level of management required by conditions of the Operating Permit will be established by the Administrative Authority based on the type of system and the level of risk to the public health and safety and the environment by the system.

Section 103.5.2.2 is hereby added to read as follows

Section 103.5.2.2 Renewal of Operating Permits

Operating Permits for commercial and multifamily occupancies shall be required to be renewed every two years from the date of initial issuance or as ordered by the Administrative Authority. Operating Permits for single family residential occupancies utilizing alternative systems shall be renewed every three years or upon the sale of the property. Operating Permits for single family residential occupancies utilizing conventional systems shall be renewed every five years or upon the sale of the property. The Administrative Authority may waive the requirement for renewal of a permit at the sale of a property if an Operating Permit was issued not more than 12 months from the date of property transfer.

Section 103.5.2.3 is hereby added to read as follows:

Section 103.5.2.3 Fees.

Fees for Operating Permits and renewal of Operating Permits shall be as set forth in the current fee schedule as approved by the City Council.

Section 103.5.2.4 is hereby added to read as follows:

Section 103.5.2.4 Revocation of Operating Permit.

After an administrative hearing, the Administrative Authority may revoke or suspend an Operating Permit for failure on the part of the permit holder to meet the conditions of the permit or when the occupant is deemed to be in violation of the requirements of the Los Angeles County Health Department or the Los Angeles

Regional Water Quality Control Board or this code.

Section 103.5.2.5 is hereby added to read as follows:

Section 103.5.2.5 Appeals.

The permittee may appeal the revocation or suspension of the Operating Permit by the Administrative Authority to the Building Board of Appeals in conformance with Section 109 of the Building Code.

Section 103.5.6.4 is hereby added to read as follows

Section 103.5.6.4 Approval for Onsite Wastewater Treatment System Inspectors: As of January 1, 2003

1. Onsite wastewater treatment system inspectors who perform inspection in the City of Malibu shall be a California Certified Engineering Geologist, a California Registered Professional Geotechnical Engineer, a California Registered Civil Engineer, a California Registered Environmental Health Specialist, a California Licensed Contractor (with an A or C-42 license), who have attended training provided, or authorized by the City of Malibu; and who have passed an examination prepared, and administered by the City of Malibu, or an agent authorized by the City of Malibu, to qualify as an approved onsite wastewater treatment systems inspector pursuant to this code.
2. The City of Malibu may approve onsite wastewater treatment system inspectors who attend training provided, or authorized by the City of Malibu, and who pass a standard examination prepared, and administered by the City of Malibu, or an agent authorized by the City of Malibu. Said examination shall be designed to establish the fitness of the applicant for certification to assess the condition and function of onsite wastewater treatment systems, and to determine whether maintenance, including repair, or replacement of system components, is necessary.
3. The passing score for the examination shall be 75% correct answers to all questions posed. Any person who is denied approval as an onsite wastewater treatment system inspector based on his, or her failure to pass the examination given by the City of Malibu may request, and is entitled to receive, a written statement of the City of Malibu's basis for denial.
4. The City of Malibu shall maintain a list of all approved onsite wastewater treatment system inspectors. The list shall be available for inspection, or examination by any person. A copy of the list may be obtained by any person upon request.
5. The City of Malibu may revoke, or suspend the approval, and/or registration of an onsite wastewater treatment system inspector after opportunity for an administrative hearing when it determines that the

onsite wastewater treatment system inspector has falsified, or fraudulently altered a system inspection report, or misrepresented, or fails to provide a copy of an inspection report to the Administrative Authority of the results of an inspection performed by the onsite wastewater treatment system inspector.

6. It shall be a violation of this code for any person to falsify, misrepresent or fraudulently alter a system inspection report, or the result of an inspection.
7. Onsite wastewater treatment system inspectors shall submit the results of the inspection on a System Inspection Report form approved by the City of Malibu together with the signed statement at the bottom of the form attesting that the inspection has been performed, and any recommendations regarding upgrade, repair or maintenance of the onsite wastewater treatment system made by the system inspector in the form were made consistent with the system inspector's training, expertise and experience in the maintenance and proper functioning of the onsite wastewater treatment systems and in accordance to the requirements of this code.

Section 103.5.6.5 is hereby added to read as follows:

Section 103.5.6.5 Criteria for Inspection.

The Administrative Authority shall establish reasonable guidelines for the inspection of existing systems to be as non-intrusive as possible, to avoid damage to the system, and any unnecessary disturbance of the surrounding soil area, which is related to the treatment process.

Section 203 is hereby amended by added the following:

Alternative System – An onsite wastewater treatment system providing enhanced sewage effluent treatment, secondary or better.

Section 206 is amended by adding the following:

Disinfection – To treat by means of a chemical, physical or other process such as chlorination, ozonation, application of ultraviolet light or sterilization designed to eliminate pathogenic organisms and producing an effluent of 200 MPN/100 mL fecal coliform or less and 104 MPN/100 mL enterococcus or less.

Section 221 is amended by adding the following:

Secondary Treatment – The processing of sewage effluent by means of a treatment device which renders a sewage effluent of 30 mg/L biochemical oxygen demand or less, 30 mg/L total suspended solids or less and 15 mg/L oil and grease or less.

Section 222 is amended by adding the following:

Tertiary Treatment – The processing of sewage effluent by means of a treatment device which renders a sewage effluent of 30 mg/L biochemical oxygen demand or less, 30 mg/L total suspended solids or less, 15 mg/L oil and grease or less, 200 MPN/100 mL fecal coliform or less and 104 MPH/100 mL enterococcus or less.

Section 710.0 is hereby amended as follows:

All such pumps and receiving tanks shall be automatically discharged. All sumps shall be provided with pumps or ejectors of the duplex type, simplex pumps are prohibited, and shall be so arranged to function alternately with each pump or ejector cycle, and to function independently in case of overload or mechanical failure. The lowest inlet shall have a minimum clearance of two (2) inches for the high water “starting” level of the sump.

Section 710.9.2 is hereby added as follows:

All such sump and receiving tanks shall be equipped with an automatic alarm system. The alarm system shall be activated upon failure of either pumps or ejectors, whether independently or simultaneously. The alarm shall emit an audible alarm, which can be detected from any location within the building and immediately outside the building served by such sumps and receiving tanks. The Administrative Authority may approve other alarm systems, which provide equivalent enunciation of failure of the pumps or ejectors.

Subsection K1 (c), and (f) of Appendix K of the 2001 California Plumbing Code/Title 28 Los Angeles County Plumbing Code, is amended to read as follows:

(C)Disposal systems shall be designed to utilize the most porous or absorptive portions of the soil formation. Where the ground water level extends to within 12 feet (3658 mm) or less of the ground surface or where the upper soil is porous and the underlying stratum is impervious rock or impervious soil, a septic tank and disposal field system shall be installed

(F)No onsite wastewater treatment system, or part thereof, shall be located in any other property other than the property which is the site of the building or structure served by such onsite wastewater treatment system; nor shall any onsite wastewater treatment system or part thereof be located at any point having less than the minimum distances indicated in Table K-1.

Nothing contained in this Code shall be construed to prohibit the use of all or part of another property for a onsite wastewater treatment system or part thereof, where secondary sewage effluent treatment, or better, is provided, when proper cause, transfer of ownership, or change of boundary not in violation of other requirements has been first established to the satisfaction of the Administrative Authority. The instrument recording such action shall constitute an agreement with the Administrative Authority which shall clearly state and show that the areas so joined or used shall be maintained as a unit during

the time they are so used. Such agreement shall be recorded in the office of the County Recorder as part of the conditions of ownership of said properties, and shall be binding on all heirs, successors, and assigns to such properties. A copy of the instrument recording such proceedings shall be filed with the Administrative Authority.

Subsection K1 (j), and (k) of Appendix K of the 2001 California Plumbing Code/Title 28 Los Angeles County Plumbing Code is added to read as follows:

(J) Commercial buildings and multiple family dwellings to be constructed, or remodeled, after the effective date of this section shall have a onsite wastewater treatment system which provides tertiary sewage effluent treatment as defined by the Administrative Authority, prior to final sewage effluent disposal, unless otherwise approved by the Administrative Authority.

(K) Commercial buildings and multiple family dwellings served by an existing onsite wastewater treatment system which is to be replaced, renovated, or repaired, after the effective date of this section shall have a onsite wastewater treatment system which provides tertiary sewage effluent treatment as defined by the Administrative Authority, prior to final sewage effluent disposal, unless otherwise approved by the Administrative Authority.

Section K2 of Appendix K of the 2001 California Plumbing Code/Title 28 Los Angeles Plumbing Code, is amended to read as follows:

The liquid capacity of all septic tanks shall conform to Tables K-2 and K-3 as determined by the number of bedrooms or apartment units in dwelling occupancies ~~and~~ or the estimated waste/sewage design flow rate or the number of plumbing fixture units as determined from Table 7-3, whichever is greater.

Section K3 and Subsection K3 (3), (4), and (5) of Appendix K of the 2001 California Plumbing Code/Title 28 Los Angeles Plumbing Code, is amended to read as follows:

The minimum effective absorption area in disposal fields in square feet (m^2), and in seepage pits in square feet (m^2) of side wall, shall be predicated on the required septic tank capacity in gallons (liters) and/or estimated waste/sewage flow rate, which ever is greater, and shall be as follows:

- (3) No excavation for a leach line or leach bed shall extend within five (5) feet (1524 mm) of ground water nor to a depth where sewage may contaminate the underground water stratum.

Exception: When approved by the Administrative Authority, this separation distance may be reduced. The applicant shall supply evidence of ground water depth to the satisfaction of the Administrative Authority.

- (4) The minimum effective absorption area in any seepage pit shall be calculated

as the excavation sidewall area below the inlet exclusive of any hardpan, rock, clay, or other impervious formations.

The minimum required area of porous formation shall be provided in one or more seepage pits. No excavation shall extend within ten (10) feet (3038 mm) of ground water nor to a depth where sewage may contaminate underground water stratum.

Exception: When approved by the Administrative Authority, this separation distance may be reduced. The applicant shall supply evidence of ground water depth to the satisfaction of the Administrative Authority.

- (5) Leaching chambers shall be sized on the bottom absorption area (nominal until width) in square feet

Subsections K4 (a), (b), and (c) of Appendix K of the 2001 California Plumbing Code/Title 28 Los Angeles Plumbing Code,, is amended to read as follows:

- (c) The construction dimensions of the subsurface sewage effluent disposal area of a onsite wastewater treatment system shall be based on soils analysis and/or percolation tests. Soils analysis shall be conducted by a licensed soils engineer and the results expressed in United States Department of Agriculture classification terminology. Percolation tests shall be conducted by a licensed geologist, a licensed soils engineer, a licensed civil engineer, or a California Registered Environmental Health Specialist.

When a percolation test is required, no onsite wastewater treatment system shall be permitted to serve a building if that test shows the absorption capacity of the soil is less than 0.83 gallons per square foot (33.8 L/m) per 24 hours.

Subsection K5 (e), (l), (m) (2), (m) (3), and (n) of Appendix K of the 2001 California Plumbing Code/Title 28 Los Angeles Plumbing Code is amended to read as follows:

- (c) Access to each septic tank shall be provided by at least two (2) manholes twenty (20) inches (508 mm) in minimum diameter. One (1) access manhole shall be located over the inlet and one (1) access manhole shall be located over the outlet. Wherever a first compartment exceeds twelve (12) feet (3658 mm) in length, an additional manhole shall be provided over the baffle wall.

- (l) Septic tanks shall have the required manholes accessible by extending the manhole openings to grade in a manner acceptable to the Administrative Authority.

- (m) Materials

- (3) Alternate Materials

- (i) Septic tanks constructed of alternate materials may be approved by

the Administrative Authority when complying with approved applicable standards.

- (ii) Wooden septic tanks are prohibited.
- (14) Prefabricated Septic Tanks
- (2) Independent laboratory tests and engineering calculations certifying the tank capacity and structural stability shall be provided as required by the Administrative Authority.

Subsections K6 (a), (b), (c), (d), (h), and (i) of Appendix K of the 2001 California Plumbing Code/Title 28 Los Angeles Plumbing Code is amended to read as follows:

Distribution lines shall be constructed of perforated ABS pipe, perforated PVC pipe, or other materials approved by the Administrative Authority, provided that sufficient openings are available for distribution of the effluent into the trench area.

- (1) Before placing filter material or drain lines in a prepared excavation, all smeared or compacted surfaces shall be removed by raking to a depth of one (1') inch (25.4 mm) and the loose material removed. Clean stone, gravel, slag, or similar material acceptable to the Administrative Authority, varying in size from three fourths (3/4) inch to two and one-half (2-1/2) inches (19.1 mm to 64 mm) shall be placed in the trench to the depth and grade required by this section. Drain pipe shall be placed on the filter material in an approved manner. The drain lines shall then be covered with filter material to the minimum depth required by this section and this covered with material approved by the Administrative Authority to prevent closure of voids with earth backfill. No earth backfill shall be placed over the filter material until after inspection and acceptance.

Exception: Listed or approved plastic leaching chambers may be used in lieu of pipe and filter material. Chamber installations shall follow the rules for disposal fields, where applicable, and shall conform to manufacturer=s installation instructions.

- (2) A grade board staked in the trench to the depth of filter material shall be utilized when distribution line is constructed of material which will not maintain alignment without continuous support.
- (d) When seepage pits are used in combination with disposal fields, the filter material in the trenches shall terminate at least five (5) feet (1524 mm) from the seepage pit excavation
- (h) Automatic siphons or dosing tanks shall be installed when required or as permitted by the Administrative Authority
 - (l) Distribution drain lines in leaching beds shall not be more than six (6) feet (1829 mm) apart on centers, and no part of the perimeter of the leaching bed shall be more than three (3) feet (914 mm) from a distribution line. The terminal ends of all disposal fields and

trenches shall have an inspection riser constructed of minimum eight (8) inch white PVC. The rise is to be extended to grade and shall terminate in an approved, accessible screw type cover approved by Administrative Authority. The riser shall also extend to the bottom of the disposal field, and shall have one half (1/2) inch holes spaced at four (4) inches on center within the disposal area.

(12) Disposal fields shall be constructed as follows:

	Minimum	Maximum
Number of drain lines per field	1	---
Length of each line	---	100 ft. (30480 mm)
Bottom width of trench	18 in. (457 mm)	36 in. (914 mm)
Spacing of lines, center-to-center	6 ft. (1829 mm)	<u>6 ft. (1829 mm)</u>
Depth of earth cover of lines		
(preferred B 18 in. (457 mm))	12 in. (305 mm)	---
Grade of lines	level	3 in./100 ft. (25 mm/m)
Filter material under drain lines	12 in. (305 mm)	<u>36 in. (914 mm)</u>
Filter material over drain lines	2 in. (51 mm)	---

Minimum spacing between trenches or leaching beds shall be four (4) feet (1219 mm) plus two (2) feet (610 mm) for each additional foot (305 mm) of depth in excess of one (1) foot (305 mm) below the bottom of the drain line. Disposal fields, trenches, and leaching beds shall not be paved over or covered by concrete or any material that can reduce or inhibit any possible evaporation of sewer effluent accept as approved by the Administrative Authority.

Subsections K7(b), (c), (d), (e), (f), (h), and (i) of Appendix K of the 2001 California Plumbing Code/Title 28 Los Angeles County Plumbing Code is amended to read as follows:

(b) Multiple seepage pits installations shall be served through an approved distribution box. Distribution boxes shall have their locations permanently marked with a steel post, concrete marker or other durable material. Additionally, each distribution box shall have an inspection riser of white PVC or concrete of at least eight (8) inches in diameter. The inspection riser shall allow inspection access to the distribution box. Each riser shall terminate with an approved screw type cap.

(c) Each seepage pit shall be circular in shape and shall have an excavated diameter of not less than four (4) feet (1219 mm). Approval shall be obtained prior to construction for any pit having an excavated diameter greater than six (6) feet (1829).

Seepage pits may be constructed in one of two ways:

- (1) An eight (8) inch (204 mm) white, or other similar approved color, sewer pipe of approved material shall be installed true and plumb in the center of the seepage pit excavation extending from the bottom of the seepage pit excavation to the inlet depth. The sewer pipe shall have one (1) inch (25.5 mm) holes drill each 120

degrees of the sewer pipe circumference at twelve (12) inch (306 mm) intervals on center minimum for the entire length of the sewer pipe to the inlet depth. The sewer pipe shall then extend watertight to grade and shall be capped with an approved screw type, accessible cap. The void between the sewer pipe and the seepage pit excavation shall then be filled with clean stone, gravel, or similar filter material acceptable to the Administrative Authority, varying in size from the three-fourths (3/4) inch to two and one-half (2-1/2) inches (19.1 mm to 64 mm).

(2) Pre-cast concrete circular sections approved by the Administrative Authority may be used. The void between the pre-cast circular sections and the seepage pit excavation shall have a minimum of six (6) inches (152 mm) of clean three-fourths (3/4) inch (19.1) gravel or rock filter material. An approved type one or two piece reinforced concrete slab cover shall be installed on top of the pre-cast concrete circular sections. Each such cover shall have twenty-five hundred (2500) pounds per square inch (17238 kPa) minimum compressive strength, shall be not less than five (5) inches (127 mm) thick and shall be designed to support an earth load of not less than four hundred (400) pounds per square foot (19.2 kPa). Each such cover shall be provided with an eight (8) inch (204 mm) minimum inspection hole and shall be coated on the underside with an approved bituminous or other nonpermeable protective compound. An eight (8) inch (204 mm) white, or similar approved color, sewer pipe of approved material shall be installed true and plumb extending watertight from the cover inspection hole to grade and shall be capped with an approved accessible cap.

(e) Each seepage pit shall have a minimum sidewall (not including the arch) of ten (10) feet (3048 mm) below the inlet.

(f) The top of the cover shall be at least eighteen (18) inches (457 mm) below the surface of the ground.

(g) An approved vented inlet fitting shall be provided in every seepage pit so arranged as to prevent the inflow from damaging the sidewall.

Section K8 of Appendix K of the 2001 California Plumbing Code/Title 28 Los Angeles County Plumbing Code is deleted in its entirety.

Section K 9 Commercial or Industrial Special Liquid Waste Disposal

Subsection K9(c), and (d) of Appendix K of the 2001 California Plumbing Code/Los Angeles County Plumbing Code, is amended to read as follows:

(c) A sampling box shall be installed when required by the Administrative Authority.

(d) Interceptors shall be of approved design and be of not less than two (2) compartments unless otherwise approved by the Administrative Authority. Structural requirements shall be in compliance with the applicable subparts of Section K 5 of this appendix.

Subsections K10 (a) (3) of Appendix K of the 2001 California Plumbing Code/Title 28 Los Angeles Plumbing Code is amended to read as follows:

(1) Inspection

(3) Septic tanks and other primary systems shall be installed as required by the Administrative Authority.

Subsection K11(d) of Appendix K of the 2001 California Plumbing Code , is amended to read as follows:

(4) No person owning or controlling any cesspool, septic tank, or seepage pit on the premises or private property of such person or in any public street, alley, or other public property shall fail, refuse, or neglect to comply with the provisions of this section.

Section K12 of Appendix K of the 2001 California Plumbing Code/Title 28 Los Angeles Plumbing Code is amended to read as follows:

The Administrative Authority, may require any or all of the following information before a permit is issued for a onsite wastewater treatment system, or at any time during the construction thereof.

Subsections K12(a), (b), and (c) of Appendix K of the 2001 California Plumbing Code/Title 28 Los Angeles Plumbing Code shall be retained unamended following the above amendment.

Section K13 of Appendix K of the 2001 California Plumbing Code/Title 28 Los Angeles Plumbing Code is added to read as follows:

The Administrative Authority shall require the following before a permit is issued for any new or reconstructed onsite wastewater treatment system on any parcel adjacent to the Pacific Ocean:

(a) Buildings permitted to be constructed, or remodeled, on beachfront property shall have adequate and properly designed bulkheads, or other approved structural protection from wave action for all portions of the onsite wastewater treatment system. All approved Coastal Engineering Reports shall also be required to determine the need and extent of this protection.

(b) Owners or possessors of real property with buildings constructed on beachfront property with an existing onsite wastewater treatment system to be renovated, or repaired, shall have adequate and properly designed bulkheads, or other approved structural protection from wave action, as provided by the Administrative Authority, for all portions of the onsite wastewater treatment system. An approved Coastal Engineering Report shall also be required to determine the need and extent of this protection.

(c) Owners or possessors of real property with buildings constructed on beachfront property with an existing onsite wastewater treatment system damaged by storm, tide, or wave action shall have adequate and properly designed bulkheads, or other approved structural protection from wave action for all portions of the onsite wastewater treatment system. An approved Coastal Engineering Report shall also be required to determine the need and extent of this protection.

(d) Issuance of Permit. Upon review of the application and compliance with all of the requirements contained in this section and all other applicable laws, rules, and regulations, the Administrative Authority shall issue a permit for the installation of bulkheads, or other protective structures required, imposing those conditions and restrictions necessary, and setting a time limit for the completion of the installation of bulkheads, or other protective structures required.

(e) Noncompliance and Right of Entry

(1) Upon expiration of the time limit established in the permit, including such additional time as may have been granted by the Administrative Authority upon further application, if the installation of the bulkheads, or other protective structures required, has not been accomplished, the Administrative Authority may take all reasonable actions to install the bulkheads, or other protective structures required, upon the real property for which the permit was issued. The Administrative Authority shall have the right of entry upon the owner=s or possessor=s real property to the extent necessary to effect the installation.

A failure, refusal, or neglect of the owner or possessor of the real property to comply with the provisions of the permit for the installation of the bulkhead, or other protective structures required, within the period of time set by the Administrative Authority shall be considered a violation of this section, subjecting the owner or possessor of the real property to the penalties and remedies provided in this Code.

(2) The actual cost incurred by the Administrative Authority in taking the above action, including the cost of equipment, labor (including the cost of City of Malibu consultants and employees), administrative, and other indirect costs shall be charge assessed against the real property benefited, and shall be added to the annual property taxes next levied upon the real property and shall constitute a lien upon the real property in the same manner and to the same extent as does the tax lien securing the annual real property taxes, and may be collected and enforced in the same manner as secured ad valorem property taxes.

Table K-1 of Appendix K of the 2001 California Plumbing Code/Title 28 Los Angeles County Plumbing Code is amended to read as follows:

TABLE K-1
Location of Sewage Disposal System

Minimum Distance Required From:	Horizontal In Clear	Building Sewer	Septic Tank	Disposal Field	Seepage Pit or Cesspool
Buildings or structures ¹		2 feet (610 mm)	5 feet (1524 mm)	8 feet (2438mm)	8 feet (2438 mm)
Property line adjoining private property		Clear ²	5 feet (1524 mm)	5 feet (1524 mm)	8 feet (2438 mm)
Water supply wells		50 feet ³ (15240 mm)	50 feet (15240 mm)	100 feet (30.5 m)	150 feet (45.7 m)
Streams and Lakes		50 feet (15240 mm)	50 feet (15240 mm)	50 feet (15240 mm)	100 feet (30.5 m)
Trees		--	10 feet (3048 mm)	--	10 feet (3048 mm)
Seepage pits or cesspools		--	5 feet (1524 mm)	5 feet (1524 mm)	12 feet (3658 mm)
Disposal field		--	5 feet (1524 mm)	4 feet ⁴ (1219 mm)	5 feet (1524 mm)
On site domestic water service line		1 foot ⁵ (305 mm)	5 feet (1524 mm)	5 feet (1524 mm)	5 feet (1524 mm)
Distribution box		--	--	5 feet (1524 mm)	5 feet (1524 mm)
Pressure public water main		10 feet ⁶ (3048 mm)	10 feet (3048 mm)	10 feet (3048 mm)	10 feet (3048 mm)

Note:

When disposal fields and/or seepage pits are installed in sloping ground, the minimum horizontal distance between any part of the leaching system and ground surface shall be fifteen (15) feet (4572 mm).

1. Including porches and steps, whether covered or uncovered, breezeways, roofed porte-cocheres, roofed patios, carports, covered walks, covered driveways and similar structures or appurtenances.
2. See also Section 313.3 of the Uniform Plumbing Code.
3. All drainage piping shall clear domestic water supply wells by at least fifty (50) feet (15240 mm). This distance may be reduced to

not less than twenty-five (25) feet

(7620 mm) when the drainage piping is constructed of materials approved for use within a building.

4. Plus two (2) feet (610 mm) for each additional (f) foot (305 mm) of depth in excess of one (1) foot (305 mm) below the bottom of the drain line. (See also Section K6).

5. See Section 720.0 of the Uniform Plumbing Code.

6. For parallel construction B For crossings, approval by the Health Department shall be required.

~~7. These minimum clear horizontal distances shall also apply between disposal field, seepage pits, and the ocean moon higher tide.~~

Table K-2 of Appendix K of the 2001 California Plumbing Code/Title 28 Los Angeles Plumbing Code, is amended to read as follows:

TABLE K-2
Capacity of Septic Tanks *

Single Family Dwellings ** Number of Bedrooms	Multiple Dwelling Units or Apartments B One Bedroom Each	Other Maximum Fixture Served Table 7-3	Uses: Units per	Minimum Septic Tank Capacity in Gallons	(liters)
1 or 2		15		750	(2838)
3		20		1000	(3785)
4	2 units	25		1200	(4542)
5 or 6 1 to 6	3 2 or 3 units	33		1500	(5678)
	4	45		2000	(7570)
	5	55		2250	(8516)
	6	60		2500	(9463)
	7	70		2750	(10,409)
	8	80		3000	(11,355)
	9	90		3250	(12,301)
	10	100		3500	(13,248)

Extra bedroom, 150 gallons (568 liters) each.

Extra dwelling units over 10, 250 gallons (946 liters) each.

Extra fixture units over 100, 25 gallons (95 liters) per fixture unit.

* Note: Septic tank sizes in this table include sludge storage capacity and the connection of domestic food waste disposal units without further volume increase.

** Applies to mobile homes not installed in a mobile home park.

Table K-3 of Appendix K of the 2001 California Plumbing Code/Title 28 Los Angeles Plumbing Code is amended to read as follows:

TABLE K-3
Estimated Waste/Sewage Flow Rates

Because of the many variable encountered, it is not possible to set absolute values for waste/sewage flow rates for all situations. The designer should evaluate each situation and, if figures in this table need modification, they should be made with the concurrence of the Administrative Authority.

<u>Type of Occupancy</u>	<u>Unit Gallons (liters) Per Day</u>
1. Airport	15 (56.8) per employee 5 (18.9) per passenger
2. Auto Washers	Check with equipment manufacturer
3. Bowling Alleys (snack bar only)	75 (283.9) per lane
4. Camps:	
Campground with central comfort station	35 (132.5) per person
Campground with flush toilets, no showers	25 (94.6) per person
Day camps (no meals served)	15 (56.8) per person
Summer and seasonal	50 (189.3) per person
5. Churches (Sanctuary)	5 (18.9) per seat
with kitchen waste	7 (26.5) per seat
6. Dance Halls	5 (18.9) per person
7. Factories	
No showers	25 (94.6) per employee
With showers	35 (132.5) per employee
Cafeteria, add	5 (18.9) per employee
8. Hospitals	250 (946.3) per bed
Kitchen waste only	25 (94.6) per bed
Laundry waste only	40 (151.4) per bed
9. Hotels (no kitchen waste)	60 (227.1) per bed (2 person)

<u>Type of Occupancy</u>	<u>Unit Gallons (liters) Per Day</u>
10. Institutions (Resident)	75 (283.9) per person
Nursing Home	125 (473.1) per person
Rest Home	125 (473.1) per person
11. Laundries, self-service	<u>300 per machine</u>
(minimum 10 hours per day)	50 (189.3) per wash cycle
Commercial	Per manufacturer=s specifications
12. Motel	50 (189.3) per bed space
with kitchen	60 (227.1) per bed space
13. Office	20 (75.7) per employee
14. Parks B mobile homes	250 (946.3) per space
Picnic parks (toilets only)	20 (75.7) per parking space
Recreational vehicles -	
without water hookup	75 (283.9) per space
with water and sewer hookup	100 (378.5) per space
15. Restaurants B Cafeteria	20 (75.7) <u>50 (189.3) per employee seat</u>
Toilet	7 (26.5) per customer
kitchen waste	6 (22.7) per meal
add for garbage disposal	1 (3.8) per meal
add for cocktail lounge	2 (7.5) per customer
kitchen waste	
disposal service	2 (7.6) per meal
16. Schools B Staff and office	20 (75.7) per person
Elementary students	15 (56.8) per person
Intermediate and High	20 (75.7) per student
with gym and showers, add	5 (18.9) per student
with cafeteria, add	3 (11.4) per student
Boarding, total waste	100 (378.5) per person
17. Service stations, toilets	1000 (378.5) for 1 st bay
	500 (1892.5) for each additional bay
<u>Recreational vehicle dump station</u>	<u>750</u>
18. Stores	20 (75.7) per employee
Public restrooms, add	1 per 10 sq. ft. (4.1/m ²) of floor space
19. Swimming pools, public	10 (37.9) per person

Theaters, auditoriums	5(18.9) per seat
Drive-in	10 (37.9) per space

(a) Recommended Design Criteria. Sewage Disposal Systems sized using the estimated waste/sewage flow rates should be calculated as follows:

- (1) Waste/sewage flow, up to 1500 gallons/day (5677.5 L/day)
Flow x 1.5=septic tank size
 - (2) Waste/sewage flow, over 1500 gallons/day (5677.5 L/day)
Flow x 0.75 + 1125= septic tank size
 - (3) Secondary system shall be sized for total flow per 24 hours.
- (b) Also see Section K2 of this appendix.

Table K-4 of Appendix K of the 2001 California Plumbing Code/Title 28 Los Angeles Plumbing Code is amended to read as follows:

TABLE K-4
DESIGN CRITERIA OF FIVE TYPICAL SOILS

Type of Soil	Required sq. ft. of leaching area/100 gals. (m ² /L)	Maximum absorption capacity in gals./sq. ft. of leaching area for a 24 hr. period (L/m ²)
<u>1.</u> Coarse sand or gravel	20 (0.005)	5.0 (203.7)
<u>2.</u> Fine sand	25 (0.006)	4.0 (162.9)
<u>3.</u> Sandy loam or sandy clay	40 (0.010)	2.5 (101.8)
<u>4.</u> <u>Sandy clay</u>	<u>60 (0.015)</u>	<u>1.66 (67.9)</u>
<u>5.</u> Clay with considerable sand or gravel	90 (0.022)	1.1 (44.8)
<u>6.</u> Clay with small amount of sand or gravel	120 (0.030)	0.83 (32.8)

Table K-5 Maximum Septic Tank Size

Table K-5 of Appendix K of the 2001 California Plumbing Code/Title 28 Los Angeles Plumbing Code is deleted in its entirety.

Section 8. Section 15.16.010 of the City of Malibu Municipal Code is hereby amended to read as follows:

15.16.010 Adoption of Mechanical Code.

Except as hereinafter provided, Title 29, Mechanical Code, of the Los Angeles County Code, as amended and in effect on November 01, 2002, adopting the California Mechanical Code, 2001 Edition (Part 4 of Title 24 of the California Code of Regulations the Mechanical Code of the City of Malibu.

In the event of any conflict between provisions of the California Mechanical Code, 2001 Edition, Title 29 of the Los Angeles County Code, or any amendment to the Mechanical Code contained in the Malibu Municipal Code, the provision contained in the later listed document shall control.

A copy of Title 29 of the Los Angeles County Code and the California Building Code, 2001 Edition, have been deposited in the office of the City Clerk of the City of Malibu and shall be at all times maintained by the City Clerk for use and examination by the public.

Section 9. Section 15.16.030 of the City of Malibu Municipal Code is hereby amended to read as follows:

15.16.030 Violations- Penalty

Every person violating any provision of the Title 29 Los Angeles County Mechanical Code and appendices, adopted by reference by '15.16.010, or of any permit or license granted thereunder, or any rules or regulations promulgated pursuant thereto, is guilty of a misdemeanor. Upon conviction thereof he or she shall be punishable by a fine not to exceed one thousand dollars or imprisonment not to exceed six months, or by both such fine and imprisonment. The imposition of such penalty for any violation shall not excuse the violation or permit it to continue. Each day that a violation occurs shall constitute a separate offense.

Section 10. Chapter 8.12 (Fire Code) of Title 8 of the City of Malibu Municipal Code is amended to read as follows:

8.12.010 Adoption of Fire Code.

Except as hereinafter provided, Title 32, Fire Code, of the Los Angeles County Code, as amended and in effect on November 01, 2002, adopting the California Fire Code, 2001 Edition (Part 9 of Title 24 of the California Code of Regulations) is hereby incorporated herein by reference as if fully set forth below, and shall be known and may be cited as the Fire Code of the City of Malibu.

In the event of any conflict between provisions of the California Building Code, 2001 Edition, Title 26 of the Los Angeles County Code, or any amendment to the Building Code contained in the Malibu Municipal Code, the provision contained in the later listed document shall control.

A copy of Title 32 of the Los Angeles Fire Code and the California Fire Code, 2001 Edition, have been deposited in the office of the City Clerk of the City of Malibu and shall be at all times maintained by the City Clerk for use and examination by the public.

Section 11 Section 8.12.020 of the Malibu Municipal Code is hereby amended to read as follows:

8.12.020 Violation - Penalty

Every person violating any provision of the Title 32 Los Angeles County Fire Code and appendices, adopted by reference by Section 8.12.020, or of any permit or license granted thereunder, or any rules or regulations promulgated pursuant thereto, is guilty of a misdemeanor. Upon conviction thereof he or she shall be punishable by a fine not to exceed one thousand dollars or imprisonment not to exceed six months, or by both such fine and imprisonment. The imposition of such penalty for any violation shall not excuse the violation or permit it to continue. Each day that a violation occurs shall constitute a separate offense.

Section 12. The City Council hereby makes each finding of reasonable necessity for modifications as stated separately for each such modification as identified in Los Angeles County Titles 26, 27, 28, 29, and 32. These modifications to the California Building Standards Code, incorporating the uniform codes are reasonably necessary due to the local climatic, geological and topographical conditions.

In particular, the modifications to these codes are reasonable necessary because of the local climate which is characterized by hot, dry summers, followed by Santa Ana winds and heavy winter rains which make structures particularly vulnerable to rapidly spreading wind-driven fires. Furthermore, much of the City is located among sloping, hilly areas creating hazardous building conditions. There are active landslips and mapped earthquake faults throughout the City. The terrain and climate make Malibu a natural high fire hazard area. The methods and materials of construction must be regulated as a result of these conditions.

Section 13. Severability. Should any section, subsection, clause, or provision of this Ordinance for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance; it being hereby expressly declared that this Ordinance, and each section, subsection, sentence, clause, and phrase hereof would have been prepared, proposed, approved, and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

Section 14. This Ordinance has been determined to be exempt from the California Environmental Quality Act pursuant to State Guidelines Section 15061 (b)(3) as a project that has no potential for causing a significant effect on the environment.

Section 15. The City Clerk shall cause this Ordinance to be processed according to law.

Section 16. The City Clerk shall file a certified copy of this Ordinance with the California Building Standards Commission.

Section 17. Certification. The City Clerk shall certify the adoption of this Ordinance.

APPROVED and ADOPTED this ____ of October 2002.

Mayor Jennings

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney